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Docket No.: 543822008000
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Dietmar TEMMLER et al.

Application No.: 10/501,880

Confirmation No.: 6590

Filed: December 17, 2004

Art Unit: 2818

For: MEMORY CHIP HAVING A MEMORY CELL
AND METHOD FOR FABRICATING A
MEMORY CELL

Examiner: T. P. Le

**SECOND PRELIMINARY AMENDMENT AND
RESPONSE TO RESTRICTION REQUIREMENT**

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the restriction requirement set forth in the Office Action mailed November 29, 2005, Applicant hereby provisionally elects claims 1-7 for continued examination. Applicants have amended claim 8 to depend from claim 1 and therefore is now part of Group I which has been elected.

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks begin on page 5 of this paper.